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Attorneys for Defendant  
JP MORGAN CHASE BANK, N.A., AS  
ACQUIRER OF CERTAIN ASSETS AND LIABILITIES  
OF WASHINGTON MUTUAL BANK

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ACTUATE CORPORATION, a Delaware  
corporation,

Plaintiff,

vs.

WASHINGTON MUTUAL BANK, a  
Washington corporation,

Defendant.

Case No. CV 08-2918 SI

**STIPULATION TO CONTINUE FURTHER  
CASE MANAGEMENT CONFERENCE;  
[PROPOSED] ORDER THEREON**

Judge: Hon. Susan Illston

Trial Date: December 7, 2009

**STIPULATION**

Pursuant to Local Rule 6-2(a), Defendant JP Morgan Chase Bank, N.A., as acquirer of certain assets and liabilities of Washington Mutual Bank ("Washington Mutual"), and Plaintiff Actuate Corporation ("Actuate"), through their respective counsel, hereby submit this joint stipulation and proposed Order.

WHEREAS, this Court has set a Further Case Management Conference in this case for Friday, June 19, 2009, at 3 pm;

WHEREAS, Counsel for Washington Mutual now has a conflict on June 19; and

WHEREAS, the parties have agreed to continue the Further Case Management Conference by one week, to Friday, June 26, if that date is convenient for the Court.

ACCORDINGLY, the parties request that the Further Case Management Conference be continued until ~~Friday, June 26, 2009, at 3 pm~~<sup>July 10</sup>, or some other date and time thereafter convenient for the Court.

IT IS SO STIPULATED.

Dated: May 7, 2009

BERGESON, LLP

By: /s/ Hway-Ling Hsu  
Hway-Ling Hsu

Attorneys for Plaintiff  
ACTUATE CORPORATION

Dated: May 7, 2009

HOWREY LLP

By: /s/ Benjamin K. Riley  
Benjamin K. Riley

Attorneys for Defendant  
JP MORGAN CHASE BANK, N.A.,  
AS ACQUIRER OF CERTAIN ASSETS  
AND LIABILITIES OF  
WASHINGTON MUTUAL BANK

**[PROPOSED] ORDER**

Pursuant to the stipulation of counsel, and good cause shown therefor, it is hereby ordered that the Further Case Management Conference in this matter shall be held on ~~June~~ July 10, 2009, at 3 p.m.



Hon. Susan Illston  
United States District Judge

**CERTIFICATION BY BENJAMIN K. RILEY PURSUANT TO GENERAL RULE NO. 45,  
SECTION X. RE E-FILING ON BEHALF OF MULTIPLE SIGNATORIES**

1. I am an attorney licensed to practice law in the State of California, and am a partner with the law firm of Howrey LLP, counsel for Washington Mutual. The statements herein are made on my personal knowledge, and if called as a witness I could and would testify thereto.

2. The above e-filed document contains multiple signatures. I declare that concurrence has been obtained from each of the other signatories to file this jointly prepared document with the Court. Pursuant to General Rule No. 45, I shall maintain records to support this concurrence for subsequent production for the Court if so ordered, or for inspection upon request by a party until one year after final resolution of the action (including appeal, if any).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct on May 7, 2009.

/s/ Benjamin K. Riley

Benjamin K. Riley